

UNITED STATES DISTRICT COURT
FOR THE
Northern District of West Virginia

FILED

MAR 14 2023

U.S. DISTRICT COURT-WV
MARTINSBURG, WV 25401

Darlene Esposito)
PO Box 1808)
Newark, N.J. 07101)
Petitioner)

Vs.)

Internal Revenue Service)
250 Murall Drive)
Kearneysville WV 25403)

Defendant.)

Civil Action No.

3:23CV71
Grah/Tumble

The Freedom of Information Act gives the Federal District Court jurisdiction to order the production of improperly withheld agency records and documentations. The Freedom of Information W. VA Code 29B is West Virginia conventionally equivalent records law that coincide with the Federal Government Privacy Act and Freedom of Act. The process of Privacy Act/FOIA request was directed to the Internal Revenue Service 250 Murall Drive Kearneysville WV 25403. Petitioner pursuant to rule 7 moves this court to hear the cause regarding the issues of West Virginia Public Records Law W. VA Code 29B-1-1et. Seq. that are relevant to the Privacy Act and FOIA laws. For all the reasons mentioned the defendant did not response to the request dated November 22, 2022 causes a belief that the Defendant has removed information that was requested through indiscretion. The response is considered an complete response because of my right to an administrative appeal was not mentioned by the agency¹ and the decision is considered as having "exhausted" administrative remedies with the agency.

1.Liguori v. Alexander, 495 F. Supp.641 (S.D.N.Y. 1980) A district court reviewing the decision of an agency is confined to an examination of the record that was before the administrator and on which he based his decision.

I am requesting that all information in the Open Government record acts mentioned herein and the request submitted to the Internal Revenue Service 250 Murall Drive Kearneysville WV 25403 concerning the information request on the annexed credit profile Exhibit A. be provided as records or documentations. Petitioner asks that the Federal District Court to oversee this grievance to take notice that the causes mentioned are ultimately resolved ant that the resolution are for an claim against the United States exrel., etal., and its employees, agencies as officers, directors, shareholders, managers, agents, servants, employees. representatives or independent contractors for violations of the laws mentioned citing PA/FOIA (FOIA) 5 U.S.C. 552, (Privacy Act) 5 U.S.C. 552(a) it has been three months since the request were served on the agency stipulated herein on the annexed supplication's as individually or joined as third parties. I believe that I should have heard a response by December 12, 2022 the response date has lapsed and because the response is 30 days delayed this is an application for release under the Privacy Act and the Freedom of Information Act this is an application for release under the Privacy Act and the Freedom of Information Act and is applicable with Federal Rules of Civil Procedure Rule 37. The information in this request charges the defendant the United States exrel. Etal as officers, directors, shareholders, managers, agents, servants, employees. representatives or independent contractors in an involvement to suppress and withheld information in violation of rules of disclosure and detention of lawful equity. Wherefore review before the Federal District Court citing the Act under USC sec 552(a).

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Submitted By:

A handwritten signature in black ink, appearing to read "Darlene Esposito", with a large, stylized loop at the end.

DARLENE R. ESPOSITO

DATED: 3-11-23

Certification of Service

I declare under penalty of perjury that the foregoing is true and correct. I am aware that if any of the foregoing statement made by me are willfully false, I am subject to punishment.

I hereby certify that:

(A) The original of the annexed: COMPLAINT

Was filed with W. Craig Broadwater Federal Bldg. and United States Courthouse 217 W. King Street
Rm 102 Martinsburg WV 25401

(B) A copy of the annexed: COMPLAINT

Was filed with the Clerk of the Court U.S. Courthouse for the Northern District of West Virginia

(C) The annexed: COMPLAINT

Was served within the time required by the Rules of Court.

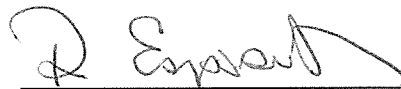
(D) A Copy of the annexed: COMPLAINT

Was served upon : Internal Revenue Service 250 Murall Drive Kearneysville WV 25430

By: DARLENE R. ESPOSITO

Served on: 02/27/2023

Executed on: 03/02/2023



DARLENE R. ESPOSITO